

REMARKS

Claims 1-23 remain pending in the instant application. Claims 1-23 presently stand rejected. Reconsideration of the pending claims is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 5-10, 13, 17-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Carney et al. (“Carney”) (US 6,728,768). Applicant respectfully traverses the rejections.

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Independent Claims 1 and 13

Independent claim 1 recites, in pertinent part, “querying a file that defines a **protocol** for which protocol support is to be added to a **network traffic tool**.” Applicant respectfully submits that the cited prior art fails to disclose querying a file that defines a protocol for which protocol support is to be added to a network traffic tool.

With reference to FIG. 3 of Carney, the Examiner rejected independent claims 1 and 13 citing GetNext Request as corresponding to the claimed **protocol**. Specifically, the Examiner stated, “i.e. a GetNext Request is received, col. 6, lines 27-28...” *Office Action* mailed 4/17/06, page 2. The Examiner further cites FIG. 3 of Carney (col. 6, lines 24-58) as corresponding to the claimed **network traffic tool**. *Office Action* mailed 4/17/06, page 2.

To be sure, Carney discloses a method and apparatus for improving GetNext processing of the simple network management protocol (SNMP) (col. 6, lines 16-17). In particular, Carney discloses that the GetNext Request message is one of several possible manager messages that can be sent by manager node 110 to agent node 120 for providing an efficient method for the managing process to search tables of values (col. 1, lines 58-65). However, rather than being a protocol (such as SNMP, MAC, IP, and TCP, by way of example, not limitation), GetNext Request is a **message** defined within the

simple network management protocol. Further, FIG. 3 of Carney illustrates a flow chart for improving dynamic simple network management protocol GetNext processing (col. 6, lines 24-58), but discloses nothing about a network traffic tool. Therefore, Carney does not disclose “querying a file that defines a protocol for which protocol support is to be added to a network traffic tool” as recited in claim 1.

Consequently, Carney fails to disclose each and every element of claim 1, as required under M.P.E.P. § 2131. Independent claim 13 includes similar novel elements as independent claim 1. Accordingly, Applicant respectfully requests that the instant §102(e) rejections of claims 1 and 13 be withdrawn.

Independent Claims 9 and 21

Independent claim 9 recites, in pertinent part, “to store a file that defines a **protocol** for which protocol support is to be added to a network traffic tool.” Applicant respectfully submits that the cited prior art fails to disclose storing a file that defines protocol for which protocol support is to be added to a network traffic tool.

With reference to Carney, column 4, line 56, the Examiner rejected independent claims 9 and 21 citing GetNext List as corresponding to the claimed file that defines a protocol for which protocol support is to be added to a network traffic tool. Specifically, the Examiner stated, “i.e. building a GetNext list, col. 4, line 56...” *Office Action* mailed 4/17/06, page 3. However, as disclosed by Carney, the GetNext list is “a list of SNMP table indices” (col. 6, lines 62-63). SNMP table indices are not a protocol. Therefore, Carney does not disclose “to store a file that defines a protocol for which protocol support is to be added to a network traffic tool” as recited in claim 9.

Consequently, Carney fails to disclose each and every element of claim 9, as required under M.P.E.P. § 2131. Independent claim 21 includes similar novel elements as independent claim 9. Accordingly, Applicant respectfully requests that the instant §102(e) rejections of claims 9 and 21 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Dependent claims 2-4, 11-12, and 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carney in view of Venigalla et al. (“Venigalla”) (US 6,766,361). Applicant respectfully traverses the rejections.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

As explained above, independent claims 1, 9, 13, and 21 are in condition of allowance because the cited reference, Carney, fails to disclose each and every element of claims 1, 9, 13, and 21. Consequently, the combination of Carney and Venigalla fails to teach or suggest all elements of claim 1, 9, 13, and 21, as required under M.P.E.P. § 2143.03.

The dependent claims are novel and non-obvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicant respectfully requests that the instant § 102 and § 103 rejections of the dependent claims be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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